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प्रसाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में निम्न 765 संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND
COMPANY AFFAIRS

(Department of Company Affairs)

NOTIFICATION

New Delhi, the 9th July, 1970

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES RULES, 1970.

G.S.R. 1037.—In exercise of the powers conferred by section 67 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby makes the following rules, namely:—

1. Short title and Commencement.—(1) These rules may be called the Monopolies and Restrictive Trade Practices Rules, 1970.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition.—In these rules:—

(a) "Act" means the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);

(b) "form" means a form specified in the Schedule to these rules;

(c) "principal officer" in relation to an undertaking means—

(i) where the undertaking is owned by a body corporate—

(A) the Managing Director of the body corporate, or

(B) any other director, manager or secretary, of the body corporate who has been authorised by the Board of Directors of such body corporate by means of a resolution in that behalf;

(ii) where the undertaking is owned by a firm, any partner thereof;

(iii) where the undertaking is owned or controlled by an individual or association of individuals or persons, any individual who is in charge of the management of such undertaking.

3. Notice or application to the Central Government.—Every notice given or application made to the Central Government under any of the provisions of the Act shall be sent, together with six spare copies thereof, to the Department of Company Affairs of that Government.

4. Form of complaints under section 10 of the Act.—Every complaint made under sub-clause (i) of clause (a) of section 10 of the Act shall be signed by a person authorised in this behalf by the trade or consumers' association or by at least twenty-five consumers, as the case may be, and such complaint shall be accompanied by such documentary evidence in support of the allegations made in such complaint as are available to the persons making the complaint.

5. Notice under sub-section (1) of section 21.—(1) Every notice given under sub-section (1) of section 21 shall be in Form I.

(2) Every such notice shall be accompanied by a treasury challan or a receipt from the bank evidencing the payment of a fee of rupees two hundred.

(3) On receipt of a notice referred to in sub-rule (1), the Department of Company Affairs shall record thereon the date of its receipt and shall forthwith communicate such date to the undertaking.

(4) The Central Government may, before referring the notice to the Commission or before passing any order thereon, require the undertaking to furnish, within a period to be specified by it, such additional information as it may consider necessary.

6. Application under sub-section (2) of section 22.—(1) Every application made under sub-section (2) of section 22 of the Act shall be in Form II.

(2) The provisions of sub-rules (2), (3) and (4) of rule 5 shall be applicable to an application referred to in sub-rule (1).

7. Application under section 23.—(1) Every application made under sub-section (2) of section 23 of the Act shall be in Form III.

(2) Every application made under sub-section (4) of section 23 of the Act shall be in Form IV.

(3) The provisions of sub-rules (2), (3) and (4) of rule 5 shall be applicable to an application referred to in sub-rules (1) and (2).

8. Application under section 25.—(1) Every application made under section 25 of the Act shall be in Form V.

(2) Every application referred to in sub-rule (1) shall be accompanied by a treasury challan or a receipt from the bank evidencing the payment of a fee of rupees fifty.

9. Application for registration.—(1) Every application for registration made under sub-section (1) of section 26 of the Act shall be in Form VI.

(2) Every application referred to in sub-rule (1) shall be accompanied by a treasury challan or a receipt from the bank evidencing the payment of a fee of rupees one hundred and fifty.

(3) On receipt of an application referred to in sub-rule (1), the Department of Company Affairs shall note thereon the date of its receipt and shall forthwith communicate such date to the undertaking.

(4) The certificate of registration to be issued under sub-section (2) of section 26 of the Act shall be in Form VII.

(5) Where a certificate of registration referred to in sub-rule (4) is lost, destroyed or mutilated, a duplicate certificate may be granted on payment of a fee of rupees twenty-five.

10. **Payment of fees.**—Fees payable under the Act or any rule or regulation made thereunder shall be paid into the Public Account of India at any Government treasury or into the Reserve Bank of India or any office of the State Bank of India or any subsidiary thereof acting as the agent of the Reserve Bank of India for credit under head "L-II. Miscellaneous".

11. **Inspection of, and extracts from, the register.**—(1) Any person who wishes to inspect the register, other than the special section, shall apply to the Registrar along with a treasury challan or a receipt from the bank evidencing the payment of a fee of rupees ten.

(2) The Registrar may allow the applicant to inspect the register during working hours either in his presence or in the presence of any person authorised by him in this behalf.

(3) The applicant shall not be permitted to take out extracts of any particulars entered in the register, but may be allowed to take note of any points from the particulars entered in the register.

(4) Any person who wishes to obtain a certified copy of, or extract from, any particulars entered in the register, other than the special section, shall apply to the Registrar and such application shall be accompanied by a fee of rupees one for every one hundred words required to be copied or extracted.

SCHEDULE

FORM No. I

Treasury Challan No.
or
Receipt No.
Dated

(See rule 5)

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969

Form of Notice to the Central Government of intention to make substantial expansion

(NOTE.—"Period" means the three calendar years immediately preceding the calendar year in which the application is made.)

1. Name and address of the undertaking.
2. Number and date of its registration under the Act.
3. Classification of undertaking i.e. whether it comes under one or more of the following clauses:

(a) (i), (a) (ii), (b) (i), (b) (ii) of section 20 of the Act.

4. Name, address, number and date of registration of each inter-connected undertaking.

5. Please indicate—(i) if the undertaking is a proprietary concern—

(a) name of the proprietor/s, and their address/es.

(b) full details of the proprietorships, partnerships or directorships held by persons shown against (a) above in any inter-connected undertaking and in any other undertaking.

(c) capital structure/proposed capital structure of the undertaking.

(d) investment made by each proprietor/relative.

- (e) capital structure (including debentures and borrowings) of all inter-connected undertakings and the investment made by each of the proprietors/relatives in each such undertaking.
 - (f) capital structure (including debentures and borrowings) of other undertakings in which proprietors/relatives have invested capital and the extent of investment in each case.
 - (g) full details of foreign participation, if any, in the undertaking and in the inter-connected undertaking indicating the names and address of foreign collaborators and the terms and conditions of such participation.
 - (h) full details of borrowings indicating specifically the borrowing from Scheduled banks, and financial institutions in the public sector with names and amounts. Similar details in respect of inter-connected undertakings should also be given.
- (ii) If the undertaking is a partnership firm—
- (a) names of the partners and their addresses.
 - (b) full details as at (b) to (h) in (i) above in relation to partners and their relatives.
- (iii) If the undertaking is a body corporate—
- (a) names and addresses of directors, including managing/whole-time directors and manager, if any.
 - (b) full details of the proprietorships, partnerships and directorships held by the directors, manager and their relatives in other undertakings: inter-connection between the undertakings, if any, should be brought out.
 - (c) capital structure of the body corporate showing how the share capital is made up. Also give separately full details relating to shares both equity and preference held by Scheduled banks, financial institutions in the public sector, foreigners, inter-connected undertakings and other shareholders having more than 5% voting power. In case these details do not cover 51% of the equity share capital, please give details of other top shareholders in order to cover upto 51%. Similar information relating to inter-connected undertakings may be given in a separate statement.
 - (d) Debentures and borrowings, if any. Give full details of debentures issued to or loans taken from financial institutions in the public sector, Scheduled banks, foreigners and inter-connected undertakings. Terms and conditions of the loans. Similar information relating to inter-connected undertakings should also be given.
 - (e) pattern of shareholding (preference and equity) in the body corporate. [This should include (i) the percentage of voting power of each director, manager and each of their relatives and (ii) the voting power and particulars of the groups each of which has 5% or more, voting power].
 - (f) capital structure of each inter-connected undertaking and the number of shares held/capital invested by each director, manager and each of their relatives, including the combined voting power of the directors and their relatives in each such undertaking.
 - (g) If any director, manager or any relative of such director, manager has any financial or other interest in any undertaking whether inter-connected or not, full details to be furnished.

6. Lines of business of the undertaking. The description of goods manufactured, supplied, distributed or otherwise controlled or services rendered by the undertaking should be precisely given, including the value, cost, price quantity or capacity, as the case may be, of each of the goods and services during the period.

7. Please indicate the quantum and/or value, as the case may be, of the same or similar goods or goods which are subject of different forms of production, produced, supplied, distributed or otherwise controlled and the value of same or similar services rendered by each inter-connected undertaking during the period.

8. Indicate the estimated quantum and value of goods to be produced, supplied, distributed or controlled and the value of services to be rendered during the current calendar year.

9. Details of proposed substantial expansion:—

(A) if it is proposed to produce, supply, distribute or control new goods or render new services—

(a) Please give following details:—

Sl. No.	Description of new goods or new services	Industry to which the goods relate	Annual capacity proposed to be installed or estimated value of services proposed to be rendered
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(b) Please indicate—

Before expansion

After expansion

Description and value of assets.

Description and estimated value of assets.

(c) In case any of the inter-connected undertakings is already producing, supplying, distributing or controlling the proposed new goods or similar goods or different form of the new goods or rendering the proposed services. Please give following details:—

Sl. No.	Name of undertaking with address and registration number	Description of goods/ services	licensed capacity	Installed capacity	Turn-over during the period
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(B) If the proposal is to effect substantial expansion of the existing activities:—

(a) State the lines of proposed expansion.

Description of goods	Present annual installed capacity	Turn-over during the period	Expansion proposed	Annual capacity or estimated capacity after expansion	installed capacity after expansion
Nature of services					

(b) Please indicate—

Before expansion

After expansion

Description and value of assets.

Description and estimated value of assets.

(c) in case any of the inter-connected undertakings is already producing, supplying, distributing or controlling same or similar goods or different forms of such goods or rendering same or similar services please furnish the following details:—

Sl. No.	Name of undertaking with address and registration number	Description of goods/ services	Licensed capacity	Installed capacity	Turn-over during the period
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NOTE: (i) Value of assets to be computed in terms of the Explanation under section 20 of the Act.

(ii) Data regarding goods and services to be split up for goods and services of each description.

10. Scheme of finance.—Please furnish full details regarding the scheme of finance for the proposed expansion, including the following:—

(a) Estimated capital outlay, indicating proposed allocation to heads such as land, building, plant and machinery, raw materials, etc.

(b) If any item of equipment including raw materials is to be imported, please give full details of each item of import and the estimated value, both in Indian currency and in the foreign currency.

(c) Source of finance—

(i) If it is proposed to finance the proposed expansion from the internal resources of the undertaking, indicate precisely in what manner the funds will be raised.

(ii) In case it is proposed to obtain loans from any other undertakings including inter-connected undertakings, please set out in detail the terms and conditions, including rate of interest and repayment.

(iii) If it is intended to borrow from any bank or financial institution, please set out the name and terms and conditions, including rate of interest, repayment, option, if any, of the lending institution to appoint its nominee on the management of the undertaking and/or to convert the loan or any part of it into equity share capital investment of the undertaking.

(iv) If any foreign exchange is involved, please furnish full details indicating the names of person or institutions and the terms of the loans.

(v) Attach a separate statement showing—

(a) the financial and liquidity position of the undertaking on the last day of its accounting year which closes during the calendar year immediately preceding the calendar year in which the application is made or on the closing date of its last accounting year, if the accounts are made up.

(b) in case it is proposed to issue fresh capital full details about the shares proposed to be subscribed/underwritten by the public sector financial institutions, banks, foreigners and inter-connected undertakings, may be given.

(vi) In case the proposed expansion is sought to be financed by borrowing from any Scheduled bank or financial institutions or undertaking which is not inter-connected, please indicate precisely, supported by documentary evidence, as to why the funds required for the proposed expansion cannot be provided by the undertakings with which the applicant undertaking is inter-connected.

11. Please furnish the market share of your undertaking with respect to goods of every description produced, supplied, distributed or controlled and/or services of every description rendered before and goods to be produced etc. or services to be rendered after the proposed expansion.

12. Any other information which the undertaking may wish to furnish.

13. A copy each of the annual accounts for the last 3 accounting years of the undertaking.

Signature of principal officer.

Place _____.

Date _____.

Verification

"I, A.B.do hereby solemnly and sincerely state that what is stated in paragraphs 1 to 13 above is true to the best of my knowledge and belief".

Signature of principal officer.

(To be completed by the Government of India)

1. Date of receipt of notice:

Signature of receiving officer.

Date _____

2. In case of reference to the Commission.

(a) the date on which the case is referred to the Commission.

(b) the date on which the report of the Commission is received.

3. Date on which the orders of the Government were communicated to the applicant undertaking.

Treasury Challan No.

or

Receipt No.

Dated

FORM II

(See rule 6)

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969

Form of application for establishment of a new undertaking

(NOTE.—"Period" means the three calendar years immediately preceding the calendar year in which the application is made.)

1. Name and address of the person/authority proposing to establish a new undertaking which is likely to attract the provisions of section 22 of the Act.

2. Names of proposed proprietors, partners, promoters or directors, as the case may be, and their addresses.

3. Name of the proposed undertaking, its capital structure and form of management.

4. Proposed location of the factory:

Tehsil.....District.....State.....

5. Proposed lines of business of the new undertaking:

(Particulars of goods of every description to be produced, supplied, distributed or controlled and services of every description to be rendered should be indicated clearly).

6. If it is proposed to manufacture goods or render services, please indicate proposed installed capacity and estimated annual production, turnover both in quantum and value. The basis adopted, including shift operation, in assessing the proposed installed capacity or estimated annual production should be indicated.

7. If a phased manufacturing programme is contemplated, please give the following particulars:

Year	Line of Production	Annual TurnOver		Percentage value of imported content of raw material
		Quantity tonnage	Value	

8. (a) Name, address, number and date of registration under the Act of each of the undertakings with which the new undertaking would, when established, become inter-connected. (The manner of inter-connection should be indicated in each case).

(b) Please furnish full details about the shares held by public sector financial institutions, banks, foreigners and holders of more than 5% voting power in each of the undertakings indicated in sub-para (a) above. In case the details do not cover 51% of the equity share capital, please give details of other top shareholders in order to cover upto 51%.

9. Please furnish the following details with respect to each undertaking indicated against para 8(a) above.

Name of undertaking	Description of goods produced/ services rendered	Licensed capacity	Installed capacity	Turnover during the period	Market share of each product/ service
1	2	3	4	5	6

10. Please furnish the estimated market share of the new undertaking together with that of each of the inter-connected undertakings in respect of goods of every description proposed to be produced, supplied, distributed or controlled and/or service of any description proposed to be rendered. (The estimated market share to be computed with reference to licensed/proposed installed capacity). In case there is a phased programme, the estimated market share to be shown with reference to the estimated turnover for each year.

11. Scheme of finance.—Please furnish full details regarding the scheme of finance for the new undertaking, including the following—

(a) Estimated project cost, indicating proposed allocation to detailed heads such as land, building, plant and machinery, raw materials, etc.

(b) Source of finance:

(i) In case it is proposed to meet the requirements of finances from the sources, of any other undertaking including inter-connected undertakings, please give in detail the terms and conditions on which the finances are expected to become available.

(ii) If it is intended to avail of the assistance in this regard from any scheduled bank, or financial institution in the public sector, please set out in detail the terms and conditions including rate of interest, repayment, option, if any, of the lending institution to appoint its nominees on the management of the undertaking and/or to convert the loan or any part of it into equity shares/capital investment of the undertaking.

(iii) If any foreign exchange is involved, please furnish full details indicating the names of persons or institutions and the term of the loans

(iv) In case the financial resources are to be sought from any bank, financial institution or an undertaking which would not be inter-connected, please indicate precisely as to why the funds required for the proposed undertaking cannot be provided by the undertakings with which it would be inter-connected when established.

(v) In case it is proposed to form a new company under the Companies Act and to issue capital for the purpose, give details of—

(a) Capital structure;

(b) Shares proposed to be subscribed/underwritten by the public sector financial institutions, and Scheduled banks. (Names and terms and conditions of underwriting to be given).

- (c) Shares proposed to be underwritten by other underwriters. (Their names and terms and conditions of underwriting to be given).
- (d) Shares proposed to be issued to foreign collaborators, if any, names of foreign collaborators nature and particulars of the collaborators' participation in the capital of the company and details of the proposed collaboration agreement;
- (e) Shares proposed to be issued to undertakings which would be inter-connected undertakings with the new undertaking;
- (f) (i) Shares proposed to be issued to directors/proprietors/partners of the existing undertakings which would become inter-connected undertakings with the new undertaking.
- (ii) Shares proposed to be issued to the relatives of such directors/proprietors/partners; and
- (g) Names of common directors or manager.

12. Estimated requirements of main raw materials and their value;

Name of raw material	Indigenous or imported	Quantity required for reaching the proposed installed capacity	Value (in foreign currency where applicable)
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13. Requirements of capital equipment if any Total value of equipment required.

- (i) Imported.
- (ii) Indigenous.

14. Indicate whether requirements, if any, of rail transport for movement of raw materials and finished products are available.

15. Indicate whether requirements of water, power and coal/coke will be met in the proposed location.

16. Indicate the estimated number of workers to be employed.

17. In case the new undertaking is to engage in trading activities like supply, distribution or control of goods of any description, please give full details of the name of each such goods, sources of supply, the section of the country in which the goods are to be ultimately sold, estimated annual turnover for each such goods.

18. Please attach a copy each of the annual accounts for the last year of the undertakings, to which the new undertaking would, when established, become an inter-connected undertaking. If the undertaking is owned by a body corporate, please attach the audited annual accounts for the last year of such company.

Signature of principal officer.

Place _____

Date _____

Verification

"I, A.B. do hereby solemnly and sincerely state that what is stated in paragraphs 1 to 18 above is true to the best of my knowledge and belief".

Signature of principal officer.

(To be completed by the Government of India)

1. Date of receipt of notice:
Signature of receiving officer.

Date _____

2. In case of reference to the Commission.

- (a) the date on which the case is referred to the Commission.
- (b) the date on which the report of the Commission is received.

3. Date on which the orders of the Government were communicated to the applicant undertakings.

FORM III

[See rule 7(1)]

Treasury Challan No.
or
Receipt No.
Dated

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969*Form of Application to the Central Government for Merger/Amalgamation*

(NOTE.—“Period” means the three calendar years immediately preceding the calendar year in which the application is made.)

1. Name and address of the applicant undertaking (party to the proposed scheme of merger/amalgamation) to which part ‘A’ of Chapter III of the Act applies.

2. Full details of the proposed scheme of merger/amalgamation. (A copy of the Scheme should be attached).

3. Details of the capital structure/capital investment of the undertakings proposed to be amalgamated/merged.

4. Form of management of the undertakings proposed to be amalgamated/merged.

5. The goods produced, supplied, distributed or controlled or services rendered by the concerned undertakings during the period.

6. Market share of the concerned undertakings in respect of each of the products during the period. (Please furnish separate details about licensed capacity, installed capacity and production/turnover, separately in respect of each undertaking).

7. The name and address of each undertaking inter-connected with the concerned undertakings, name and address of proprietor/partners/directors of each, capital structure and annual turn-over of each and the market share of each undertaking in respect of each product produced, supplied distributed or controlled and/or services rendered during the period.

8. Please furnish full particulars as in column No. 7 above in respect of each undertaking inter-connected with the undertaking which will be brought into existence by the proposed scheme of merger/amalgamation.

9. The objects sought to be achieved by the proposed merger/amalgamation. (The reasons given must be comprehensive and accompanied by supporting evidence.)

10. In case the proposed merger/amalgamation is likely to bring in a change in the market structure with reference to any product that may be produced, supplied, distributed or otherwise controlled, or service rendered, please indicate as to whether any such change is likely to lead to anti-competitive influence or monopoly.

11. In case the proposal involves merger or amalgamation of two or more bodies corporate, please indicate; (a) the names and addresses of the directors/managers of each of the bodies corporate; (b) full details about the shares held by each of the public sector financial institutions, banks, foreigners and others holding 5% or more of the shares of each of the bodies corporate and (c) names and addresses of shareholders common to each of the bodies corporate.

12. Any other information which the applicant wish to furnish.

13. Please attach a copy of the annual accounts of the concerned undertakings for the last three accounting years.

14. Please attach a copy of each of the annual accounts for the last three years of all the undertakings which would be inter-connected with the undertaking which will emerge as a result of the proposal.

Signature of principal officer.

of each of the Undertakings, proposed
to be merged, to which Part A of Chapter
III of the Act applies.

Place _____.

Date _____.

Verification

"I, A.B. do hereby solemnly and sincerely state that what is stated in paragraphs 1 to 14 above is true to the best of my knowledge and belief".

Signature of the responsible officer..

(To be completed by the Government of India)

1. Date of receipt of notice:

Signature of receiving officer.

Date _____

2. In case of reference to the Commission.

(a) the date on which the case is referred to the Commission.

(b) the date on which the report of the Commission is received.

3. Date on which the orders of the Government were communicated to the applicant undertaking.

FORM IV

[See rule 7(2)]

Treasury Challan No.
or
Receipt No.
Dated

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969

Form of application to the Central Government regarding proposals to acquire by purchase, take over or otherwise the whole or part of an undertaking

(NOTE.—"Period" means the three calendar years immediately preceding the calendar year in which the application is made.)

1. Name and address of the undertaking proposing to acquire by purchase, take over or otherwise another undertaking or a part of it.

2. Registration number of the undertaking.

3. Name, address, number and date of registration of each undertaking inter-connected with the acquiring undertaking.

4. Please indicate—(i) if the undertaking is a proprietary concern—

(a) name of the proprietor/s, and their address/es.

(b) full details of the proprietorships, partnerships or directorships held by persons shown against (a) above in any inter-connected undertaking and in any other undertaking.

- (c) capital structure/proposed capital structure of the undertaking.
- (d) investment made by each proprietor/relative in the undertaking.
- (e) capital structure (including debentures and borrowings) of all inter-connected undertakings and the investment made by each of the proprietors/relatives in each such undertaking.
- (f) Capital structure including debentures and borrowing of other undertakings in which proprietors/relatives have invested capital and the extent of investment in each case.
- (g) full details of foreign participation, if any, in the undertaking and in the inter-connected undertakings indicating the name and address of foreign collaborators and the terms and conditions of such participation.
- (h) full details of borrowings indicating specifically the borrowing from Scheduled banks and financial institutions in the public sector with names and amounts. Similar details in respect of inter-connected undertakings.
- (ii) If the undertaking is a partnership firm—
 - (a) names of the partners and their addresses.
 - (b) full details as at (b) to (h) in (i) above in relation to partners and their relatives.
- (iii) if the undertaking is a body corporate—
 - (a) names and addresses of directors, including managing/whole-time directors and manager, if any.
 - (b) full details of the proprietorships, partnerships and directorships held by the directors, manager and their relatives in other undertakings; inter-connection between the undertakings, if any, should be brought out.
 - (c) capital structure of the body corporate showing how the share capital is made up. Also give full details relating to shares held by Scheduled banks, financial institutions, in the public sector, foreign participation, if any, and inter-connected undertakings. Similar information relating to inter-connected undertakings.
 - (d) Debentures and borrowings, if any. Give full details of debentures issued or loans taken from financial institutions in the public sector. Scheduled banks, foreign collaborators, if any, and inter-connected undertakings. Classify the loans into secured and unsecured loans. The nature of security given may be indicated. Similar information relating to inter-connected undertakings may also be given.
 - (e) pattern of shareholding (preference and equity) in the body corporate. (This should include the percentage of voting power of each director, manager and each of their relatives and the voting power and particulars of the groups each of which has 10% or more voting power).
 - (f) capital structure of each inter-connected undertaking and the number of shares held/capital invested by each directors, manager and each of their relatives, including the combined voting power of the directors and their relatives in each such undertaking.
 - (g) if any director, manager or any relative of such director, manager has any financial or other interest in any undertaking whether inter-connected or not, full details to be furnished.
 - (h) names of proprietors/partners/directors of the undertaking to be acquired and the undertakings inter-connected with it, capital structure, shareholding pattern, names and addresses of common shareholders indicating the number of shares held or the nature and extent of interest in respect of each such undertaking.

5. Lines of business of the acquiring undertaking. The description of goods manufactured, supplied, distributed or otherwise controlled or services rendered by the undertaking should be precisely given, including the value, cost, price,

quantity or capacity, as the case may be, of each of the goods and services during the period.

6. Please indicate the quantum and/or value, as the case may be, of the same or similar goods or goods which are subject of different forms of production produced, supplied, distributed or otherwise controlled and the value of same or similar services rendered during the period by each undertaking inter-connected with the acquiring undertaking.

7. Indicate the estimated quantum and value of goods to be produced, supplied, distributed or controlled and the value of services to be rendered during the current calendar year.

8. Name and address of the undertaking, the whole or part of which is proposed to be acquired by purchase, take over or otherwise. Please indicate the registration number of the undertaking if it is registered under the Act.

9. Please give full details of the proposed acquisition by purchase, take over, or otherwise, including the following:

(a) if it is proposed to purchase the whole or part of an undertaking, the proposed purchase price, the basis on which it is arrived at including the mode of valuation adopted;

(b) if it is proposed to acquire shares of another undertaking, the number of shares involved, mode of valuation, how the offer was made to the shareholders of the other undertaking, number of shareholders who have agreed to sell their holdings for cash or in exchange of the shares of the acquiring undertaking. In case the offer was not made to all the shareholders of the other undertaking, the reasons therefor should be clearly indicated.

10. The lines of business of the undertaking proposed to be acquired indicating the nature of goods produced, supplied, distributed or otherwise controlled or the nature of services rendered during the period. The names of the proprietors/partners directors and their addresses and the capital structure of the undertaking including its borrowings.

11. Please indicate the quantum and/or value, as the case may be, of the goods produced, supplied, distributed or controlled or services rendered by the undertaking proposed to be acquired during the period.

12. Please indicate here the proposal attracts sub-section (4) of section 23 of the Act.

13. Lines of business of the undertakings which will or is likely to emerge as a result of the proposed acquisition.

Please give the following details:

Sl. No.	Description of goods	Present annual installed capacity of the acquiring undertaking	Estimated annual installed capacity of the resulting undertaking	Estimated annual share in terms of both Cols. 3 and 4
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14. Name, address, registration number, if any, under the Act of the undertakings which will emerge as a result of the proposed acquisition, will get inter-connected.

15. The lines of business of each such inter-connected undertaking referred to in para 14 above.

Please furnish following particulars:

Sl. No.	Name of the undertaking	Description of goods/services	Licensed capacity if any	Installed capacity	Turn-over of each service during the period
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16. (a) Scheme of Finance.—Please furnish full details regarding the scheme of finance for the proposed acquisition.

(b) Source of Finance.—(i) if it is proposed to finance the proposed expansion from the internal resources of the undertaking, indicate precisely in what manner the funds will be raised.

(ii) in case it is proposed to obtain loans from any other undertaking including inter-connected undertakings, please set out in detail the terms and conditions, including rate of interest and repayment.

(iii) if it is intended to borrow from any bank or financial institution, please set out the terms and conditions, including rate of interest, repayment, option, if any, of the lending institution to appoint its nominee on the management of the undertaking and/or to convert the loan or any part of it into equity shares capital investment of the undertaking.

(iv) please furnish full details if any foreign exchange is involved. Indicate the names of persons or institutions.

(v) attach a separate statement showing—

(a) the financial and liquidity position of the undertaking on the last day of its accounting year which closes during the calendar year immediately preceding the calendar year in which the application is made or on the closing date of its last accounting year, if the accounts are made up.

(b) In case it is proposed to issue fresh capital, full details about the shares to be underwritten and foreign participation if any and issue of shares to financial institutions in the public sector.

(c) If the proposed involves exchange of shares, please indicate the basis on which the proposed exchange ratio is worked out.

17. Any other information which the undertaking may wish to furnish.

18. A copy each of the annual accounts of the undertaking.

Signature of principal officer.

Place _____.

Date _____.

Verification

"I, A.B.do hereby solemnly and sincerely state that what is stated in paragraphs 1 to 18 above is true to the best of my knowledge and belief".

Signature of principal officer.

(To be completed by the Government of India)

1. Date of receipt of application.

Signature of receiving officer.

Date _____

Date on which the orders of the Government were communicated to the applicant undertaking.

Signature of officer.

Date _____

FORM V
(See rule 8)

Treasury Challan No.
or
Bank Receipt No.
Dated

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969
*Form of applications to the Central Government for appointment as director/
partner*

(NOTE.—“Period” means the three calendar years immediately preceding the calendar year in which the application is made.)

1. Name and address of applicant.

2. Undertaking in which the applicant is proposed to be appointed director/
partner.

(a) Name and address.

(b) Registration number, if any, under the Act. Date of registration.

(c) Existing capital structure. The percentage to total equity share capital held by (i) public sector financial institutions, (ii) banks, (iii) foreigners, (iv) undertaking which are inter-connected with this undertaking, (v) other persons holding not less than 5% of equity shares and (vi) other top shareholders to cover up 51% of the equity share capital. If the undertaking is a new venture, the proposed capital structure.

(d) Names and addresses of other directors/partners, indicating the relationship, if any, *inter se* and with the applicant.

(e) Number and face value of shares held by the applicant/share of the applicant in the total capital investment if the undertaking is a firm.

(f) Voting power of the applicant and his relatives in the undertaking.

(g) Major lines of activity indicating quantum and value in respect of each of the major products produced, supplied, distributed or otherwise controlled or each of the services rendered during the period.

(h) Turn-over during the last 3 accounting years both gross and product-wise.

(i) Value of each service rendered during the last 3 accounting years.

(j) Market share of each major product service.

(k) The financial position of the undertaking on the closing date of its previous accounting year. (A copy each of the balance-sheet/profit and loss accounts of the last 3 accounting years to be attached).

(l) Details of loans given to or taken from the undertaking, including the rate of interest per annum and amount outstanding on the closing date of the last accounting year.

(m) In case the applicant or his relatives have any business relationship with the undertaking, give full details including the nature of the business arrangements, remuneration, commission, brokerage, discount drawn during the last 3 accounting years, nature of advances drawn by the applicant in the course of business, and outstanding adjustments, if any.

(n) Quantum of man hour involved, details of applicant's remuneration and the position of the applicant in the undertaking.

3. Undertakings in which the applicant is a director/partner:—

(a) Please furnish separately particulars called for in column 2 above in respect of each of the undertaking in which the applicant is a director/managing or whole-time director/manager/partner, specifying the position held.

(b) Manner of inter-connection between the undertakings mentioned in (a) above.

(c) Details of remuneration including commission, brokerage, discount, salary, sitting fees and perquisites drawn by the applicant from each undertaking during the last 3 accounting years from each undertaking mentioned in (a) above.

4. If the applicant is the owner of any proprietary concern, give full details regarding the name and location, capital invested, nature of business and turnover for the last 3 calendar years.

5. Give full but concise reasons in support of the proposed appointment.

Signature of applicant.

Place _____,

Date _____,

Verification

"I, A.B.do hereby solemnly and sincerely state that what is stated in paragraphs 1 to 5 above is true to the best of my knowledge and belief".

|

Signature of applicant.

(To be completed by the Government of India)

1. Date of receipt of application.

Signature of receiving officer.

Date _____

2. Date on which the orders of the Government were communicated to the applicant undertaking.

Treasury Challan No.
or
Bank Receipt No.
Dated

FORM VI

(See rule 9)

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969

Form of Application for Registration of Undertaking

(NOTE.—"Period" means the three calendar years immediately preceding the calendar year in which the application is made.)

1. Name of undertaking.

2. (a) Registered office
Head Office.

(b) Location of factory.

3. Date on which the provisions of Chapter III of the Act became applicable to the undertaking.

4. Registration number under the Factories Act, 1948, if any, or under any State Act.

5. Ownership—whether proprietary, partnership, Private Limited company or public limited company.

6. Please indicate—(i) if the undertaking is a proprietary concern—

- (a) name of the proprietor/s, and their address/es.
- (b) full details of the proprietorships, partnerships or directorships held by persons shown against (a) above in any inter-connected undertaking and in any other undertaking.
- (c) capital structure/proposed capital structure of the undertaking.
- (d) investment made by each proprietor/relative.
- (e) capital structure (including debentures and borrowings) of all inter-connected undertakings and the investment made by each of the proprietors/relatives in each such undertaking.
- (f) capital structure (including debentures and borrowings) of other undertakings in which proprietors/relatives have invested capital and the extent of investment in each case.
- (g) full details of foreign participation, if any, in the undertaking and in the inter-connected undertaking indicating the names and addresses of foreign collaborators and the terms and conditions of such participation.
- (h) full details of borrowings indicating specifically the borrowing from Scheduled banks and financial institutions in the public sector with names and amounts. Similar details in respect of inter-connected undertakings should also be given.

(ii) If the undertaking is a partnership firm—

- (a) names of the partners and their addresses.
- (b) full details as at (b) to (h) in (i) above in relation to partners and their relatives.

(iii) If the undertaking is a body corporate—

- (a) names and addresses of directors, including managing/whole-time directors and manager, if any.
- (b) full details of the proprietorships, partnerships and directorships held by the directors, manager and their relatives in other undertakings; inter-connection between the undertakings, if any, should be brought out.
- (c) capital structure of the body corporate showing how the share capital is made up. Also give, separately, full details relating to shares, both equity and preference, held by scheduled banks, financial institutions, in the public sector, foreigners, inter-connected undertakings and other shareholders having more than 5% voting power. In case these details do not cover 51% of the equity share capital, please give details of other top shareholders in order to cover upto 51%. Similar information relating to undertakings inter-connected with the undertaking mentioned at Column 1 above may be given in a separate statement.
- (d) debentures and borrowings, if any. Give full details of debentures issued to or loans taken from financial institutions in the public sector, Scheduled banks, foreigners and inter-connected undertakings. Terms and conditions of the loans. Similar information relating to undertakings inter-connected with the undertaking mentioned at Column 1 above.
- (e) pattern of shareholding (preference and equity) in the body corporate. (This should include (i) the percentage of voting power of each director, manager and each of their relatives and (ii) the voting power and particulars of the groups each of which has 5% or more, voting powers).
- (f) capital structure of each inter-connected undertaking and the number of shares held/capital invested by each director, manager and each of their relatives, including the combined voting power of the directors and their relatives in each such undertakings.

- (g) if any director, manager or any relative of such director, manager has any financial or other interest in any undertaking whether inter-connected or not, full details to be furnished.

7. If the undertaking has entered into any foreign collaboration agreement, please give details. (A copy of the agreement/s may also be attached).

8. Please indicate—(i) if a single undertaking coming within the ambit of clause (a) (i) of Section 20 of the Act, the value of its assets.

(ii) if the undertaking is covered by clause (a) (ii) of Section 20 of the Act, the value of its assets, and the value of assets of each of its inter-connected undertaking.

(iii) If the undertaking is a single dominant undertaking coming within the ambit of clause (b) (i) of Section 20 of the Act.

(a) the value of its assets.

(b) the value, cost, price, quantity or capacity, as the case may be, of the goods produced, supplied, distributed or otherwise controlled or monetary value of services rendered by it during the period.

(iv) If the undertaking is covered by clause (b) (ii) of Section 20 of the Act—

(a) the value of its assets.

(b) the value of the assets of each of its inter-connected undertaking.

(c) the value, cost, price, quantity or capacity, as the case may be, of the goods produced, supplied, distributed or otherwise controlled or the monetary value of services rendered by the undertaking and by each of its inter-connected undertakings during the period.

Number of workers employed during each accounting/calendar year during the period.

10. In case it is possible to identify the geographical area/areas in which the goods produced, supplied, distributed or otherwise controlled are normally sold or in which services are rendered, please specify the area/areas indicating the quantum and value of goods so marketed and service rendered during the period.

11. The market share of the (a) undertaking and (b) its inter-connected undertakings with respect to goods of each description produced, supplied, distributed, or otherwise controlled or service of each description rendered during the period.

12. Licensed and installed capacity of (a) the undertaking and (b) its inter-connected undertakings.

13. Whether licensed and installed capacity fully utilised? If not, the reasons therefor.

14. Number of shifts—

(a) if the licensed capacity has been shown on shift operation basis, the number of shifts permitted and the number of shifts worked during the period. Data should be split up for each accounting/calendar year.

(b) if the licensed capacity has not been shown on shift operation basis or if there is no authorised or licensed capacity, the maximum shift operation feasible in that industry and the actual number of shifts worked during each accounting/calendar year during the period.

15. Please attach a statement showing how and in what manner the undertaking is inter-connected with other undertakings.

Place _____.

Signature of principal officer.

Date _____.

Verification

"I, A.B.do hereby solemnly and sincerely state that what is stated in paragraphs 1 to 15 above is true to the best of my knowledge and belief".

Signature of principal officer.

(To be completed by the Government of India)

1. Date of receipt of application.
2. Date of registration.
3. Registration number.
4. Date of issue of registration certificate to the undertaking.

Signature of receiving Officer.

FORM VII

(See)

No. _____

GOVERNMENT OF INDIA

(Department of Company Affairs)

New Delhi, the _____ 19 .

Certified that the undertaking whose particulars are specified below has, this day, been registered in the register maintained under sub-section (2) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969).

Particulars:

1. Name of the undertaking.
2. Address.
3. Name of proprietors or partners or promoters or directors.
4. Registration number.

Signature

Seal of the Department.

[No. 1/1/70-M(P).]

G. A. SHAH, Jt. Secy.

औद्योगिक विकास एवं कम्पनी कार्य मंत्रालय

(कम्पनी कार्य विभाग)

अधिसूचना

नई दिल्ली, 9 जुलाई, 1970

एकाधिकार तथा निबन्धकारी व्यापार प्रथा नियम, 1970

सा० का० नि० 1037.—एकाधिकार तथा निबन्धकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 67 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम :—(1) नियम एकाधिकार तथा निबन्धकारी व्यापार प्रथा नियम, 1970 कहे जा सकेंगे ।

(2) ये शासकीय राजपत्र में अपने प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. परिभाषाएं :—इन नियमों में :—

(क) “अधिनियम” से एकाधिकार तथा निर्बन्धनकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) अभिप्रेत है ;

(ख) “प्ररूप” से इन नियमों की अनुसूची में विनिर्दिष्ट प्ररूप अभिप्रेत है ।

(ग) “प्रधान आफिसर” से किसी उपक्रम के सम्बन्ध में,

(1) जहां उपक्रम नियमित निकाय के स्वामित्व में है, वहां

(क) निगमित निकाय का प्रबन्ध निदेशक, या

(ख) निगमित निकाय का कोई अन्य निदेशक प्रबन्धक या सचिव, जो ऐसे निगमित निकाय के निदेशक बोर्ड द्वारा उस निमित्त एक संकल्प द्वारा प्राधिकृत किया गया है ;

(ii) जहां उपक्रम फर्म के स्वामित्व में है वहां उपक्रम उसका कोई भागीदार ;

(iii) जहां उपक्रम व्यक्ति या व्यक्ति संगम या व्यक्ति संगम के स्वामित्व या नियंत्रण में है, वहां कोई व्यक्ति जो ऐसे उपक्रम का भारसाधक है ;

अभिप्रेत है :

3. केन्द्रीय सरकार को सूचना या आवेदन :—अधिनियम के उपबन्धों में से किसी के अधीन केन्द्रीय सरकार को दी गई प्रत्येक सूचना या आवेदन उसकी छह अतिरिक्त प्रतियों सहित, उस सरकार के कम्पनी कार्य विभाग को भजा जाएगा ।

4. अधिनियम की धारा 10 के अधीन परिवारों के प्ररूप :—अधिनियम की धारा 10 के खण्ड (क) के उपखण्ड (i) के अधीन किया गया प्रत्येक परिवार ऐसे व्यक्ति द्वारा जिसे व्यापार या उपभोक्ता संगम ने इस निमित्त प्राधिकृत किया है, या कम से कम पच्चीस उपभोक्ताओं द्वारा जैसा भी स्थिति हो, हस्ताक्षरित किया जाएगा और ऐसे परिवार के साथ, उस में किए गए अभिकथनों के समर्थन में ऐसा दस्तावेजी साक्ष्य संलग्न होगा जो परिवार करने वाले व्यक्तियों को उपलब्ध हो ।

5. धारा 21 की उपधारा (1) के अधीन सूचना :—(1) धारा 21 की उपधारा (1) के अधीन दी गई प्रत्येक सूचना प्ररूप 1 में होगी ।

(2) ऐसी प्रत्येक सूचना के साथ दो सौ रुपये की फीस दिए जाने के साक्ष्य स्वरूप खजाना चालान या बैंक की रसीद संलग्न होगी ।

(3) उपनियम (1) में निर्दिष्ट सूचना की प्राप्ति पर कम्पनी कार्य विभाग उस पर उसकी प्राप्ति की तारीख अभिलिखित करेगा और वह तारीखतत्काल उपक्रम को संसूचित कर देगा ।

(4) केन्द्रीय सरकार, सूचना को आयोग को निर्दिष्ट करने से पूर्व या उस पर कोई आदेश पारित करने से पूर्व उपक्रम से, अपने द्वारा विनिर्दिष्ट की जाने वाली कालावधि के भीतर, ऐसी अतिरिक्त जानकारी, जैसी वह आवश्यक समझे, देने की अपेक्षा कर सकेगी ।

6. धारा 22 की उपधारा (2) के अधीन आवेदन :—(1) धारा 22 की उपधारा (2) के अधीन प्रत्येक आवेदन प्ररूप 1 में होगा ।
- (2) नियम 5 के उपनियम (2) (3) और (4) के उपबन्ध उपनियम (1) में निर्दिष्ट आवेदन को लागू होंगे ।
7. धारा 23 के अधीन आवेदन :—(1) अधिनियम की धारा 23 की उपधारा (2) के अधीन प्रत्येक आवेदन प्ररूप 3 में होगा ।
- (2) अधिनियम की धारा 23 की उपधारा (4) के अधीन प्रत्येक आवेदन प्ररूप 4 में होगा ।
- (3) नियम 5 के उपनियम (2), (3) और (4) के उपबन्ध उप-नियम (1) और (2) में निर्दिष्ट आवेदन को लागू होंगे ।
8. धारा 25 के अधीन आवेदन :—(1) अधिनियम की धारा 25 के अधीन प्रत्येक आवेदन प्ररूप 5 में होगा ।
- (2) उपनियम (1) में निर्दिष्ट प्रत्येक आवेदन के साथ पचास रुपए की फीस दिए जाने के साक्ष्य स्वरूप खजाना चालान या बैंक की रसीद संलग्न होगी ।
9. रजिस्ट्रीकरण के लिए आवेदन :—(1) अधिनियम की धारा 26 की उपधारा (1) के अधीन रजिस्ट्रीकरण के लिए दिया गया प्रत्येक आवेदन प्ररूप 6 में होगा ।
- (2) उप नियम (1) में निर्दिष्ट प्रत्येक आवेदन के साथ एक सौ पचास रुपए की फीस दिए जाने के साक्ष्य स्वरूप खजाना चालान या बैंक की रसीद संलग्न होगी ।
- (3) उप नियम (1) में निर्दिष्ट आवेदन की प्राप्ति पर, कम्पनी कार्य विभाग उस पर उसकी प्राप्ति की तारीख लिखेगा और वह तारीख तत्काल उपक्रम को संसूचित करेगा ।
- (4) अधिनियम की धारा 26 की उपधारा (2) के अधीन जारी किए जाने वाला रजिस्ट्रीकरण प्रमाण पत्र प्ररूप 7 में होगा ।
- (5) जहां उपनियम (4) में निर्दिष्ट रजिस्ट्रीकरण प्रमाणपत्र खो जाए, नष्ट हो जाए, या विकृत हो जाए वहां, पच्चीस रुपए फीस देने पर प्रमाणपत्र की दूसरी प्रति दी जा सकेगी ।
10. फीस का साक्ष्य :—अधिनियम के अधीन, या उसके अधीन बनाए गए किसी नियम या विनियम के अधीन सदेय फीस "ठ 2 प्रकीर्ण" शीर्ष के अन्तर्गत जमा की जाने के लिए किसी सरकारी खजाने के भारतीय लोक लेखा में, या भारतीय रिजर्व बैंक में, या भारतीय स्टेट बैंक के किसी कार्यालय में या उसका किसी भी ऐसे समनुषंगी कार्यालय में जो भारतीय रिजर्व बैंक के अधिकर्ता के रूप में कार्य कर रहा हो, संदत्त की जाएगी ।
11. रजिस्टर का निरीक्षण और उसमें से उद्धरण—(1) कोई व्यक्ति, जो विशेष खण्ड से भिन्न रजिस्टर का निरीक्षण करना चाहता है, दस रुपए की फीस दिए जाने के साक्ष्य स्वरूप खजाना चालान या बैंक की रसीद के साथ, रजिस्ट्रार को आवेदन करेगा ।

- (2) रजिस्ट्रार या तबे अपनी उपस्थिति में या अपने द्वारा इस निमित्त प्राधिकृत किसी व्यक्ति की उपस्थिति में, आवेदक को रजिस्टर का कार्य के समय में निरीक्षण करने की अनुज्ञा दे सकेगा ।
- (3) आवेदक को रजिस्टर में प्रविष्ट किन्हीं विशिष्टियों के उद्धरण लेने की अनुज्ञा नहीं दी जाएगी किन्तु उसे रजिस्टर में प्रविष्ट विशिष्टियों में से किन्हीं बातों के टिप्पण लिख लेने की अनुज्ञा दी जा सकेगी ।
- (4) कोई भी व्यक्ति, जो विशेष खण्ड में भिन्न, रजिस्टर में प्रविष्ट किन्हीं विशिष्टियों की प्रमाणित प्रति या उन विशिष्टियों में से उद्धरण अभिप्राप्त करना चाहता है, रजिस्ट्रार को आवेदन करेगा और ऐसे आवेदन के साथ, नकल किए जाने या उद्धृत किए जाने के लिए अपेक्षित प्रति एक सौ शब्दों के लिए एक रुपए की फीस संलग्न होगी ।

(टिप्पणी :—अनुसूची यथा समय प्रकाशित होगी)

[सं० 1/1/70-एम० (पी०)]

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